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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,309	11/07/2001	Eiji Sato	45672/56,682	2127
21874	7590	07/13/2007		
EDWARDS ANGELL PALMER & DODGE LLP			EXAMINER	
P.O. BOX 55874			MONDT, JOHANNES P	
BOSTON, MA 02205				
			ART UNIT	PAPER NUMBER
			3663	
			MAIL DATE	DELIVERY MODE
			07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/039,309

Applicant(s)

SATO ET AL.

Examiner

Johannes P. Mondt

Art Unit

3663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

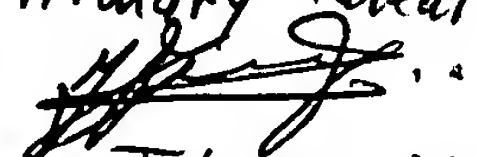
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 4-9.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Primary Patent Examiner:

Johannes Mondt, Ph.D. (TC 3600, AU 3663)

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's Remarks do not persuade for the following reasons: (a) Counter to Applicant's traverse on page 4 of Remarks that nothing "in van den Berk teaches a liquid crystal layer [that] includes at least two regions having different values of a threshold voltage for transitioning the liquid crystal layer from the planar to the focal conic state", the different field lines connecting points of the electrodes 5 have different arc lengths while spanning the same voltage, and hence, as pointed out several times in previous actions, have different electric field strengths for the same given applied voltage, by virtue of the definition of voltage as the line integral over the electric field along a field line connecting the two points of the different parts of the electrodes 5. As stated on page 5 of Remarks, "the references do not disclose that two regions in the pixel transition [are] at different threshold voltage" is not true, because this is necessarily so in view of the positions of the electrodes 5 and the liquid crystal layer between 1 and 2 for exactly the above-stated reason. Applicant proceeds stating once again: "There is not even a hint of a suggestion in van den Berk that each pixel of the liquid crystal layer includes at least two regions having different values of a first threshold voltage for transitioning the liquid crystal layer from the planar state to the focal conic state" as stated on page 5; however, this statement ignores the existence of different threshold voltage limits at different points in different regions in the liquid crystal layer by virtue of the different path lengths of the field lines on which said different points reside, as an inherent consequence of which the same externally applied voltage between said electrodes 5 in van den Berk, yields different actual electric field strengths at said two different points; hence when the product of van den Berk is applied to the realization of the transition from planar to focal conc said realization is achieved for said two different points at two different values of said applied voltage. In response to Applicant's Remarks on page 6, first paragraph, once again, the threshold electric field value is dependent upon the specific field line, hence on location. In response to Applicant's comment in traverse on page 6, second and third paragraphs, it is the boss 10 in conjunction with the variable thickness of the liquid crystal layer that forces the field lines to take different path lengths in said liquid crystal layer. Therefore "E1" and "E2" in applicant's traverse are not defined because they are position-dependent. Applicant misses the point when commenting "Van den Berk discloses only one threshold voltage for the entire liquid". Yes, indeed. That is exactly why it can be concluded that the electric field strengths are position-dependent, because the voltage is the line integral over the electric field strength along the field line. Please, once again, see J.D. Jackson, page 8 as made of record. In response to Applicant's complaint (page 6, final paragraph) that "Van den Berk does not even discuss or recognize the problems in providing gray scale levels", Van den Berk does not have to: such discussion is not required according to the claim language, which is drawn to an invention of a product, not its intended use. Once again, on page 7 Applicant traverses (first and second paragraph) on the basis of an alleged failure to teach two regions having different values of a first threshold voltage for transitioning the liquid crystal from the planar to the focal state". However, this is exactly the same argument as brought forth on pages 5-6 and examiner's response is the same once again, said response herewith being included by reference in its entirety. That the liquid crystal layer has at least two different thickness values is ensured by the ridges 3 and 4, in addition to the boss. See Figure 3 and discussion. Finally, Applicant's arguments in traverse of the rejections of the dependent claims rely on the arguments in traverse of the rejection of the independent claim language, and hence the response by examiner is the same. For the above reasons Applicant's argument are far from convincing and the rejections stand.

